

APPEAL NO. 021519
FILED JULY 30, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on May 28, 2002. The hearing officer resolved the sole disputed issue by deciding that the respondent (claimant) had disability from November 22, 2001, continuing through the date of the CCH, as a result of his _____, compensable injury. The appellant (carrier) appealed, challenging the sufficiency of the evidence and seeking reversal. There was no response filed by the claimant.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant had disability from November 22, 2001, continuing through the date of the CCH. The claimant testified that he was unable to work at his prior level and introduced medical records supporting his testimony that his doctor has taken him completely off work and has not returned him to work. The carrier presented testimony and evidence to the effect that the claimant performed independent contracting after his date of injury, but before the time period in dispute at the CCH. The carrier implied that the claimant was disingenuous in his testimony that he continues to have disability.

The hearing officer is the sole judge of the weight and the credibility to be given the evidence. Section 410.165(a). We conclude that the hearing officer's determination that the claimant had disability from November 22, 2001, through the date of the CCH, is sufficiently supported by the record. The hearing officer's determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Texas Workers' Compensation Commission Appeal No. 001360, decided July 27, 2000.

The hearing officer's decision and order are affirmed.

The official corporate name of the carrier is **TRANSCONTINENTAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION
350 NORTH ST. PAUL STREET
DALLAS, TEXAS 75201.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Elaine M. Chaney
Appeals Judge